



Patent

Attorney Docket: 302,670-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Osman Kibar**

Serial No.: 09/843,902

Filed: April 27, 2001

For: Method for Separating Micro-Particles

Group Art Unit: 1651

Examiner: Jon P. Weber

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David B. Murphy, represent that I am an attorney of record for the above-identified application. GENOPTIX, INC. (hereinafter referred to as "GENOPTIX") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventor. The assignment from the inventors to GENOPTIX was recorded in the Patent and Trademark Office on September 26, 2001, on Reel 012229, Frame 0306.

GENOPTIX hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,744,038 (Serial No. 09/993,326). Moreover, GENOPTIX hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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patent shall be the same as the legal title to U.S. Patent No. 6,744,038, this agreement to run with any patent granted on the above-identified application and to be binding upon GENOPTIX, its successor, or assigns.

GENOPTIX does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory terms of U.S. Patent No. 6,744,038 in the event that they later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or are otherwise terminated prior to expiration of their statutory terms as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclosed herewith is a check for the amount of \$55.00 for the requisite fee. If any additional fees are necessitated by the filing of this document, please charge Deposit Account No. 50-2862

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 8/5/04

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PATENT TRADEMARK OFFICE

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